



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

50

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/318,668	05/25/99	GOLLNICK	C DN37834XXBY

WM51/1025

H SHANNON TYSON JR
AKIN GUMP STRAUSS HAUER & FELD LLP
816 CONGRESS AVENUE
SUITE 1900
AUSTIN TX 78701

EXAMINER

URBAN, E

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED:

10/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/318,668

Applicant(s)

Gollnick et al.

Examiner

Edward F. Urban

Group Art Unit

2683



☒ Responsive to communication(s) filed on Aug 7, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 38-52 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 41-52 is/are allowed.

☒ Claim(s) 38 and 39 is/are rejected.

☒ Claim(s) 40 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit:

3. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan et al. in view of Kawasaki et al.

As to claims 38-39, Natarajan et al. disclose a radio frequency data communication system containing a plurality of roaming terminals 10,12,14,16 and a plurality base stations 26,28 which transmit information packets periodically at each of defined intervals. The plurality of roaming terminals each have a power supply and selectively communicate with the base stations in which the roaming terminals maintain the radio frequency transceiver energized for selected time intervals. Each roaming terminal selectively deactivates its wireless transceiver for a consecutive plurality of defined intervals and then activates its wireless transceiver to allow receiving the information packets (figure 8A, col. 8, line 5 - col. 9, line 54). Natarajan et al. does not specifically disclose the remote terminals as specifically being a data collection terminal. However, since Natarajan et al. disclose the terminals as being data transmission terminals, then it would have been obvious to one having ordinary skill in the art to apply this technique in a data collection environment for the simple purpose of increasing the battery life of terminals that transfer data collected at different sites. Also not disclosed is the remote data collection terminal being able to selectively deactivate its wireless transceiver for a consecutive plurality of defined intervals. However, Kawasaki et al. disclose a battery saving technique in which the transceiver deactivates its wireless transceiver for a consecutive plurality of defined intervals of signal transmission and then activates its wireless transceiver to allow receiving the information packets (figures 1 and 3 and its description). Therefore, it would have been obvious to one having

Art Unit:

ordinary skill in the art to apply this deactivation technique of Kawasaki et al. to the system of Natarajan et al. for the simple purpose of further reducing the power consumption within the device.

Allowable Subject Matter

4. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 47-52 are allowed.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Art Unit:

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit:

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Urban whose telephone number is (703) 305-4385.

EFU

October 23, 2000


EDWARD F. URBAN
PRIMARY EXAMINER